

## COMMERCE AND NAVIGATION

*Convention signed at London July 3, 1815, with British declaration of  
November 24, 1815*

*Entered into force July 3, 1815*

*Ratified by Great Britain July 31, 1815*

*Senate advice and consent to ratification, subject to exception contained  
in British declaration, December 19, 1815*

*Ratified by the President of the United States December 21, 1815*

*Ratifications exchanged at Washington December 22, 1815*

*Proclaimed by the President of the United States December 22, 1815*

*Extended for 10 years by convention of October 20, 1818; <sup>1</sup> indefinitely  
by convention of August 6, 1827 <sup>2</sup>*

*Article IV superseded September 7, 1952, by consular convention of  
June 6, 1951 <sup>3</sup>*

8 Stat. 228; Treaty Series 110 <sup>4</sup>

### A CONVENTION TO REGULATE THE COMMERCE BETWEEN THE TERRITORIES OF THE UNITED STATES AND OF HIS BRITANNICK MAJESTY

The United States of America and His Britannick Majesty being desirous, by a Convention, to regulate the Commerce and Navigation, between their respective Countries, Territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, Have respectively named Plenipotentiaries and given them full powers to treat of and conclude such Convention that is to say The President of the United States by and with the advice and consent of the Senate thereof hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin Citizens of the United States, And His Royal Highness The Prince Regent acting in the name & on the behalf of His Majesty has named for His Plenipotentiaries The Right Honourable Frederick John Robinson Vice president of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a Member of the Imperial Parliament, Henry Goulburn Esquire, a Member of the Imperial Parliament and Under Secretary of State, and William Adams Esquire, Doctor of Civil Laws, and the

<sup>1</sup> TS 112, *post*, p 59.

<sup>2</sup> TS 117, *post*, p. 76.

<sup>3</sup> 3 UST 3426; TIAS 2494.

<sup>4</sup> For a detailed study of this convention, see 2 Miller 595.

said Plenipotentiaries having mutually produced and shewn their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, *vide licet*.

#### ARTICLE THE FIRST

There shall be between the Territories of the United States of America and all the Territories of His Britannick Majesty in Europe a reciprocal liberty of Commerce. The Inhabitants of the two Countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, Ports and Rivers in the Territories aforesaid to which other Foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said Territories respectively, also to hire and occupy Houses and warehouses for the purposes of their commerce, and generally the Merchants and Traders of each Nation respectively shall enjoy the most complete protection and security for their Commerce but subject always to the Laws and Statutes of the two countries respectively.

#### ARTICLE THE SECOND

No higher or other Duties shall be imposed on the importation into the United States of any articles the growth, produce or Manufacture of His Britannick Majesty's Territories in Europe and no higher or other duties shall be imposed on the importation into the Territories of His Britannick Majesty in Europe of any articles the growth, produce or manufacture of the United States than are or shall be payable on the like articles being the growth, produce or manufacture of any other foreign country nor shall any higher or other duties or charges be imposed in either of the two Countries, on the Exportation of any articles to the United States, or to His Britannick Majesty's Territories in Europe respectively than such as are payable on the Exportation of the like articles to any other foreign Country nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce or manufacture of the United States or of His Britannick Majesty's territories in Europe to or from the said Territories of His Britannick Majesty in Europe, or to or from the said United States, which shall not equally extend to all other Nations.

No higher or other duties or charges shall be imposed in any of the Ports of the United States on British Vessels, than those payable in the same ports by Vessels of the United States; nor in the ports of any of His Britannick Majesty's Territories in Europe on the Vessels of the United States than shall be payable in the same ports on British Vessels.

The same duties shall be paid on the importation into the United States of any articles the growth, produce, or manufacture of His Britannick Majesty's territories in Europe, whether such importation shall be in Vessels of the United States or in British Vessels, and the same duties shall be paid on the importation into the ports of any of His Britannick Majesty's Territories in

Europe of any article the growth, produce or manufacture of the United States whether such importation shall be in British vessels, or in vessels of the United States.

The same Duties shall be paid and the same Bounties allowed on the exportation of any articles the growth, produce or manufacture of His Britannick Majesty's Territories in Europe to the United States whether such exportation shall be in vessels of the United States or in British Vessels, and the same duties shall be paid and the same Bounties allowed on the exportation of any articles the growth, produce or manufacture of the United States to His Britannick Majesty's Territories in Europe whether such exportation shall be in British Vessels, or in Vessels of the United States.

It is further agreed that in all cases where Drawbacks are or may be allowed upon the reexportation of any Goods the growth, produce or manufacture of either Country respectively the amount of the said drawbacks shall be the same whether the said goods shall have been originally imported in a British or an American vessel—But when such reexportation shall take place from the United States in a British Vessel or from the Territories of His Britannick Majesty in Europe in an American Vessel to any other foreign Nation the two Contracting Parties reserve to themselves respectively the Right of regulating or diminishing in such case the amount of the said drawback.

The intercourse between the United States and His Britannick Majesty's possessions in the West Indies and on the Continent of North America shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such an Intercourse.<sup>5</sup>

#### ARTICLE THE THIRD

His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British Dominions in the East Indies vide licit, Calcutta, Madras, Bombay and Prince of Wales' Island, and that the Citizens of the said United States may freely carry on Trade between the said principal settlements and the said United States in all articles of which the importation & Exportation respectively to and from the said Territories shall not be entirely prohibited—provided only that it shall not be lawful for them in any time of War between the British Government and any State or Power whatever to export from the said Territories without the special permission of the British Government any military stores or Naval stores or Rice. The Citizens of the United States shall pay for their vessels when admitted no higher or other

<sup>5</sup> By proclamation of President Andrew Jackson Oct. 5, 1830 (4 Stat. 817), and British Order in Council of Nov. 5, 1830 (*British and Foreign State Papers*, vol. 17, p. 893), the United States and Great Britain reciprocally removed the prohibitions, restrictions, and discriminations which each country had in effect against the vessels and products of the other country in navigation and commerce between the United States and the British possessions in the West Indies and America.

duty or charge than shall be payable on the vessels of the most favored European Nations and they shall pay no higher or other duties or charges on the importation or exportation of the Cargoes of the said Vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European Nations. But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any Port or place Except to some Port or Place in the United States of America where the same shall be unladen.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the Coasting Trade of the said British Territories, but the vessels of the United States having in the first instance proceeded to one of the said principal settlements of the British Dominions in the East Indies and then going with their Original Cargoes or part thereof from one of the said principal settlements to another shall not be considered as carrying on the Coasting Trade.

The Vessels of the United States may also touch for refreshment but not for commerce in the course of their Voyage to or from the British Territories in India, or to or from the Dominions of the Emperor of China, at the Cape of Good Hope, the Island of S<sup>t</sup> Helena <sup>o</sup> or such other places as may be in the possession of Great Britain in the African or Indian Seas, it being well understood that in all that regards this article The Citizens of the United States shall be subject in all respects to the Laws and regulations of the British Government from time to time Established.

#### ARTICLE THE FOURTH

It shall be free for each of the two Contracting Parties respectively to appoint Consuls for the protection of Trade to reside in the dominions and Territories of the other party, but before any Consul shall act as such He shall in the usual form be approved and admitted by the Government to which He is sent, and it is hereby declared that in case of illegal or improper conduct towards the Laws or Government of the Country to which He is sent such Consul may either be punished according to Law if the Laws will reach the case or be sent back the offended Government assigning to the other the reasons for the same.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such Party shall judge fit to be so excepted.

#### ARTICLE THE FIFTH

This Convention, when the same shall have been duly ratified by the President of the United States by and with the advice and consent of their Senate and by His Britannick Majesty and the respective ratifications mu-

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<sup>o</sup> See also British declaration, p. 53.

tually Exchanged shall be binding and obligatory on the said United States and His Majesty for four Years <sup>7</sup> from the date of its Signature and the Ratifications shall be exchanged in six months from this time or sooner if possible.

Done at London this third day of July in the year of our Lord one Thousand eight Hundred and Fifteen.

JOHN QUINCY ADAMS	[SEAL]
H. CLAY	[SEAL]
ALBERT GALLATIN	[SEAL]
FREDERICK JOHN ROBINSON	[SEAL]
HENRY GOULBURN	[SEAL]
WILLIAM ADAMS	[SEAL]

#### BRITISH DECLARATION <sup>8</sup>

The Undersigned, His Britannick Majesty's Chargé d'Affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare upon the Exchange of the Ratifications of the Convention concluded at London on the third of July of the present year, for regulating the Commerce and Navigation between the two Countries, That in consequence of events which have happened in Europe subsequent to the signature of the Convention aforesaid, it has been deemed expedient and determined in conjunction with the Allied Sovereigns, that S<sup>t</sup> Helena shall be the place allotted for the future residence of General Napoleon Buonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British Ships and Vessels as others, excepting only ships belonging to the East India Company shall be excluded from all Communication with or approach to that Island.

It has therefore, become impossible to comply with so much of the third Article of the Treaty as relates to the liberty of touching for refreshment at the Island of S<sup>t</sup> Helena, and the Ratifications of the said Treaty will be exchanged under the explicit Declaration and Understanding that the Vessels of the United States cannot be allowed to touch at, or hold any communication whatever with the said Island, so long as the said Island shall continue to be the place of residence of the said Napoleon Buonaparte.

ANTHONY S<sup>t</sup> JNO BAKER

WASHINGTON, *November 24, 1815.*

<sup>7</sup> Extended for 10 years by convention of Oct. 20, 1818 (TS 112, *post*, p. 57), and further extended indefinitely by convention of Aug. 6, 1827 (TS 117, *post*, p. 76).

<sup>8</sup> After the death of Napoleon Bonaparte on May 5, 1821, the British Government, under date of July 30, 1821, notified the American Minister at London of discontinuance of the restriction stated in this declaration.